

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

THIS DOCUMENT RELATES TO:

*The County of Summit, Ohio, et al. v.
Purdue Pharma L.P., et al.,*
Case No. 18-op-45090

*The County of Cuyahoga, Ohio, et al. v.
Purdue Pharma L.P., et al.,*
Case No. 17-op-45004

MDL No. 2804

Case No. 1:17-md-2804

Judge Dan Aaron Polster

**DEFENDANTS' *DAUBERT* MOTION TO EXCLUDE
THE OPINIONS OFFERED BY JAMES RAFALSKI**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure and the Court's Amended Order Regarding Pretrial Motions for "Track One" Trial, ECF No. 1709, Defendants Purdue Pharma L.P., Purdue Pharma Inc., and The Purdue Frederick Company (Co-Liaison Counsel for the Manufacturer Defendants); Endo Health Solutions Inc. and Endo Pharmaceuticals Inc., Par Pharmaceutical, Inc. and Par Pharmaceutical Companies, Inc. (Co-Liaison Counsel for the Manufacturer Defendants); Cardinal Health, Inc. (Co-Liaison Counsel for the Distributor Defendants); AmerisourceBergen Drug Corporation (Co-Liaison Counsel for the Distributor Defendants); McKesson Corporation (Co-Liaison Counsel for the Distributor Defendants); and Walgreens (Liaison Counsel for the Chain Pharmacy Defendants) move to exclude the opinions offered by James Rafalski in all of the Track One Plaintiffs' claims for the reasons given in the accompanying memorandum of law, which is incorporated here.

Dated: June 28, 2019

Respectfully submitted,

Defense Liaison Counsel

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¹ Teva Pharmaceutical Industries Ltd., Allergan plc, and Mallinckrodt plc are respectively an Israeli corporation, Irish holding company, and Irish company that are not subject to and contest personal jurisdiction for the reasons explained in their pending motions to dismiss for lack of personal jurisdiction; they are specially appearing to join this motion as a result of the Court's deadline to file dispositive and *Daubert* motions, and, thus, they do not waive and expressly preserve their pending personal jurisdiction challenges.

On June 10, 2019, Insys Therapeutics, Inc. and its affiliates each filed a voluntary case under chapter 11 of United States Bankruptcy Code in the United States Bankruptcy Court for the District of Delaware, which cases are being jointly administered under Case No. 19-11292 (KG). In light of this bankruptcy proceeding, Insys does not join any of the *Daubert* motions for summary judgment motions to be filed in the MDL Track One cases.

Noramco does not join this motion.

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CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of June, 2019, a notice of the foregoing has been served via CM/ECF to all counsel of record, and copies have been served on the same by email.

/s/ Katherine M. Swift
Katherine M. Swift

*Attorney for Walgreen Co. and Walgreen
Eastern Co.*